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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 KIFA MUHAMMAD,

No. CIV S-02-0006-LKK-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 SAN JOAQUIN COUNTY JAIL,
15 et al.,

Defendants.
16 _____/

17 Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant
18 to 42 U.S.C. § 1983. Pending before the court is plaintiff's motion for an extension of time
19 (Doc. 96).

20 Plaintiff requests the court continue both the trial confirmation hearing and the
21 trial. The trial confirmation hearing is currently set for July 25, 2008, and the trial for October
22 15, 2008. Plaintiff is requesting a continuance to the end of the year or beginning of next year
23 due to limited access to the law library. Plaintiff indicates that due to the limited access, he has
24 not been able to do research and prepare for the upcoming trial confirmation hearing.

25 Plaintiff has filed his pre-trial statement and his objections to the pre-trial order
26 issued April 7, 2008. There is nothing plaintiff is required to file or submit to the court prior to

1 the trial confirmation hearing. The trial confirmation hearing is not a hearing on the merits of
2 plaintiff's case, so no additional research appears to be necessary prior to the trial confirmation
3 hearing. Plaintiff will not be prejudiced by holding a trial confirmation hearing while his access
4 to the prison law library is limited. The trial is not schedule in this matter until October 15,
5 2008. Plaintiff's access to the law library may be restored in sufficient time to allow the trial in
6 this matter to proceed as scheduled.

7 Accordingly, plaintiff's request for a continuance of the trial confirmation hearing
8 is denied. Plaintiff's request for a continuance of the trial date is denied without prejudice to
9 renewing his request at the trial confirmation hearing. The trial confirmation hearing will
10 proceed as scheduled on July 25, 2008.

11 IT IS SO ORDERED.

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13 DATED: June 26, 2008

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15 **CRAIG M. KELLISON**
16 UNITED STATES MAGISTRATE JUDGE
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